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August 22, 2008

VIA ELECTRONIC FILING

The Honorable Sue L. Robinson
United States District Court
for the District of Delaware
844 King Street
Wilmington, DE 19801

Re: *Takeda Pharmaceutical Company Limited, et al v. Barr Pharmaceuticals Inc. et al.*;
C.A. No. 08-339-SLR
Ethypharm S.A. v. Barr Laboratories Inc. et al.;
C.A. No. 08-344-SLR

I am writing on behalf of the parties in the above-referenced actions. Both of the these actions were filed on the same day and Plaintiffs in both cases have asserted that the product of Barr's ANDA infringes the claims of U.S. Patent No. 5,464,632. In each of the actions, Barr has raised a defense of invalidity of the '632 patent claims. Thus, these two actions will present overlapping issues of fact and law.

The Court has ordered a Scheduling Conference for August 28, 2008 in Civil Action 08-399-SLR. The parties to each action agree that it would be beneficial for this Scheduling Conference to be conducted with respect to both actions, and respectfully request permission for all parties in the two actions to participate in the August 28, 2008 Scheduling Conference. Counsel for all parties in both actions also have conferred to seek agreement on a single proposed Scheduling Order that would govern both cases. The parties thus also seek permission to submit a single proposed Scheduling Order for both actions, in advance of the August 28 Scheduling Conference.

The parties in these actions also conferred regarding possible consolidation of these matters for all purposes, including all pretrial and trial activities, and intend to either submit a form of stipulation or joint motion for the Court's consideration in advance of the Scheduling Conference, or to address the issue at the Scheduling Conference.

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Counsel are available at the Court's convenience to discuss these matters.

Respectfully,

/s/ David E. Moore

David E. Moore

DEM/nmt/879442v2/33171

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic filing)